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PATENT APPLICATION

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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): C. Brian ATKINS et al.

Confirmation No.: 3332

Application No.: 09/800,638

Examiner: Rosario, D.

Filing Date: 03/07/01

Group Art Unit: 2624

Title: DIGITAL IMAGE APPEARANCE ENHANCEMENT AND COMPRESSIBILITY IMPROVEMENT METHOD
AND SYSTEM

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TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on 12/13/06.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

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Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants:	ATKINS, et al.	Patent Application
Application No.:	09/800,638	Group Art Unit: 2624
Filed:	March 7, 2001	Examiner: Rosario, Dennis
For: DIGITAL IMAGE APPEARANCE ENHANCEMENT AND COMPRESSIBILITY IMPROVEMENT METHOD AND SYSTEM		

REPLY BRIEF

In response to the Examiner's Answer mailed on December 13, 2006,
Appellants respectfully submit the following remarks.



REMARKS

Appellants are submitting the following remarks in response to the Examiner's Answer. In these remarks, Appellants are addressing certain arguments presented in the Examiner's Answer. While only certain arguments are addressed in this Reply Brief, this should not be construed that Appellants agree with the other arguments presented in the Examiner's Answer.

Response to Argument on Page 12, Last Paragraph, through Page 14, Second Paragraph of the Examiner's Answer

In the Appeal Brief filed September 11, 2006, Appellants argue that "Balasubramanian does not teach or suggest the expressly recited limitation of 'generating a filter identifier based on one of an edge parameter computed based on the input pixel window and an activity metric not indicating an edge parameter computed based on the input pixel window'" (emphasis added). In the response to this argument, the Examiner asserts that "Balasubramanian does disclose computing the edge parameter and activity metric using the same window in both interpretations of a predefined neighborhood and constant footprint" (Examiner's Answer, page 14, lines 1-3).

MPEP §2131 provides:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913,

1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

Appellants respectfully submit that the Examiner interpretation of Balasubramanian on page 13, lines 9-20, of the Examiner's Answer does not satisfy the requirements of an anticipation rejection under 35 U.S.C. § 102(e). Appellants respectfully note that it is impermissible to rely on multiple embodiments of a reference in supporting an anticipation rejection. In particular, Appellants submit that relying on multiple embodiments of a reference does not disclose each element of the claimed invention "arranged as in the claims" as required.

In the Examiner's Answer, the Examiner relies on two different passages of Balasubramanian in supporting the anticipation rejection. Specifically, the Examiner relies on the teaching of Figure 7 of Balasubramanian, described at col. 7, line 64, through col. 8, line 4, and on a passage describing changing filter values or coefficients at col. 7, lines 13-15. Appellants understand the process described at Figure 7 specifically describes an adaptive filtering method for selecting filters of different sizes (col. 7, line 64, through col. 8, line 4). The Examiner appears to be arguing that the adaptive filtering method of Figure 7 can be modified to change filter values or coefficients, as described at col. 7, lines 13-15. Accordingly, Appellants respectfully submit that the Examiner is relying on the combination of multiple embodiments in support of the anticipation rejection.

Appellants respectfully submit that the anticipation rejection of the claims improper, as the Examiner relies on the teachings of multiple embodiments of Balasubramanian in

supporting the anticipation rejection of the claims. In other words, Appellants respectfully assert that the Examiner has improperly combined different embodiments of Balasubramanian, and that anticipation of such a combination is not supported by Balasubramanian.

Response to Argument on Page 14, Third Paragraph, through Page 15, First Paragraph of the Examiner' s Answer

The Examiner asserts that the claimed embodiments “can be practiced using the same filter window or footprint but changing the filter’ s values or coefficients” (Examiner’ s Answer, page 14, last paragraph). As described above in the Response to Argument on Page 12, Last Paragraph, Through Page 14, Second Paragraph of the Examiner’ s Answer, Appellants respectfully submit that the cited passage of Balasubramanian does not support and anticipation rejection of the claims.

Response to Argument on Page 15, Second Paragraph, through Page 16, First Paragraph of the Examiner’ s Answer

Appellants respectfully submit that Balasubramanian describes a method of filter selection by determining activity metric for multiple input areas having different sizes, as asserted by the Examiner.

Appellants respectfully assert that Balasubramanian does not teach, describe or suggest “generating a filter identifier based on one of an edge parameter computed based on the input pixel window and an activity metric not indicating an edge parameter”

computed based on the input pixel window” as claimed (emphasis added). With reference to Figures 6 and 10, Appellants understand Balasubramanian to teach a filtering function that may be implemented at a metric function 400 that applies its output to filter selector 302 to select an appropriate filter for spatial filter 104 (col. 7, lines 60-63). A small area activity metric is calculated for a small area (e.g., 5x5) and a large area activity metric is calculated for a large area (e.g., 15x15) (col. 7, lines 64 through col. 8, line 8). In particular, the small activity metric and the large activity metric are calculated based on different size areas. In other words, Appellants respectfully assert that the small activity metric and the large activity metric are calculated based on different input windows.

Response to Argument on Page 16, Second Paragraph through Page 16, Fourth Paragraph of the Examiner' s Answer

As described above in the Response to Argument on Page 12, Last Paragraph, Through Page 14, Second Paragraph of the Examiner' s Answer, Appellants respectfully submit that the cited passage of Balasubramanian does not support and anticipation rejection of the claims.

Response to Argument on Page 16, Fifth Paragraph, through Page 17, Third Paragraph of the Examiner' s Answer

Appellants understand the process described at Figure 7 describes an adaptive filtering method for selecting filters of different sizes (col. 7, line 64, through col. 8, line 4). In particular, at step 300 a small area activity metric is computed for a first input area and at step 306 a large area activity metric is computer for a second input area. Therefore, By

explicitly teaching that the activity metrics are calculated based on different input windows of different sizes, Balasubramanian teaches away from the claimed configuration.

Response to Argument on Page 17, Fourth Paragraph through Page 18, Third Paragraph of the Examiner's Answer


As described above in the Response to Argument on Page 12, Last Paragraph, Through Page 14, Second Paragraph of the Examiner's Answer, Appellants respectfully submit that the cited passage of Balasubramanian does not support and anticipation rejection of the claims.

In view of the above remarks, Appellants continue to assert that Balasubramanian does not teach, describe, or suggest the claimed embodiments, for reasons presented above and for reasons previously presented in the Appeal Brief.

Respectfully submitted,

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Dated: 2/13, 2007



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